United Nations CRC/C/ZWE/CO/2

Convention on the Rights of the Child

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Committee on the Rights of the Child

Concluding observations on the second periodic report of Zimbabwe*

I. Introduction

1. The Committee considered the second periodic report of Zimbabwe (CRC/C/ZWE/2) at its 2076th and 2078th meetings (see CRC/C/SR.2076 and 2078), held on 19 January 2016, and adopted the following concluding observations at its 2104th meeting (see CRC/C/SR.2104), held on 29 January 2016.

2. The Committee welcomes the submission of the second periodic report of the State party and the written replies to the list of issues (CRC/C/ZWE/Q/2/Add.1). The Committee regrets that the report was submitted with considerable delay, which prevented the Committee from reviewing the implementation of the Convention by Zimbabwe for 19 years. The Committee expresses appreciation for the constructive dialogue held with the high-level and multisectoral delegation of the State party.

II. Follow-up measures taken and progress achieved by the State party

3. The Committee welcomes the ratification of or accession to the following instruments:

(a) The Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (May 2013);

(b) The Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (February 2012);

(c) The Convention on the Rights of Persons with Disabilities and its Optional Protocol (September 2013);

(d) The International Labour Organization Worst Forms of Child Labour Convention, 1999 (No. 182);

(e) The Kampala Declaration on Refugees, Returnees and Internally Displaced Persons in Africa (October 2009);

* Adopted by the Committee at its seventy-first session (11-29 January 2016).

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(f) The Southern African Development Community Protocol on Gender and Development (August 2008);

(g) The Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (November 2003);

(h) The African Charter on the Rights and Welfare of the Child (1999).

4. The Committee notes with appreciation the adoption of the following legislative measures:

(a) The Constitution of Zimbabwe Amendment (No. 20) Act (22 May 2013);

(b) The Labour Act [Chapter 28:01] (14 August 2015);

(c) The Trafficking in Persons Act [Chapter 9:25] (June 2014);

(d) The Disabled Persons Act [Chapter 17:01] (20 July 2014);

(e) The Zimbabwe Human Rights Commission Act [Chapter 10:30] (12 October 2012);

(f) The Domestic Violence Act [Chapter 5:16] (30 June 2006);

(g) The Anti-Corruption Commission Act [Chapter 09:22] (26 November 2004);

(h) The Children's Act [Chapter 5:06] (20 May 2002);

(i) The Sexual Offences Act [Chapter 9:21] (17 August 2001).

5. The Committee welcomes the following institutional and policy measures:

(a) The Zimbabwe Maternal and Neonatal Health Road Map (2007-2015);

(b) The Action Plan to End Rape and Sexual Violence (2014);

(c) The Zimbabwe Human Rights Commission (2013);

(d) The National Legal Assistance Strategy for Children (2012);

(e) The National Action Plan for Orphans and Vulnerable Children Phase II (2011-2015);

(f) The Adolescent Sexual and Reproductive Health Strategy (2010-2015);

(g) The National Residential Child Care Standards (2010);

(h) The Pretrial Diversion Programme (2008);

(i) The Accelerated Child Survival and Development Scaled-up Action Plans for Zimbabwe (2007-2015);

(j) The Early Childhood Development Policy (2005).

III. Factors and difficulties impeding the implementation of the Convention

6. The Committee notes that the severe economic decline prevailing in the country has impacted the delivery of all services to children and that this situation is compounded by pervasive corruption, which continues to divert resources that could enhance the implementation of the rights of children. It further acknowledges that the HIV/AIDS pandemic in the State party continues to have a negative impact on the situation of children.

IV. Main areas of concern and recommendations

A. General measures of implementation (arts. 4, 42 and 44 (6))

The Committee's previous recommendations

7. **The Committee recommends that the State party take all measures necessary to address its previous recommendations of 1996 (CRC/C/15/Add.55)[1] that have not been sufficiently implemented and, in particular, those relating to reviewing the national legal framework (para. 22), combatting social attitudes and cultural and religious practices hampering the realization of children's rights (para. 26), forbidding the use of corporal punishment (para. 31) and raising the minimum age of criminal responsibility (para. 33).**

Legislation

8. The Committee welcomes the new Constitution adopted in May 2013, which includes provisions promoting and protecting the rights of children in line with the Convention. While noting the ongoing harmonization process with regard to existing policies, legislation, programmes and administrative practices, the Committee remains concerned that certain laws do not comply with the Convention (para. 11), thereby hindering the full realization of children's rights in the State party.

9. **The Committee reiterates its previous recommendation (para. 22) and urges the Interministerial Task Force on the Alignment of Legislation to expedite its work to ensure the urgent revision of all national legislation in line with the Constitution.**

Comprehensive policy and strategy

10. The Committee welcomes the various national plans, policies and strategies adopted by the State party on thematic areas of children's rights. However, it is concerned that the draft child rights policy that has been under preparation for a long time, which is aimed at strengthening coordination mechanisms and measures for protecting and promoting children's rights, has not yet been adopted.

11. **The Committee urges the State party to finalize the child rights policy and ensure that it comprehensively encompasses all areas covered by the Convention and sets out a strategy with all the elements necessary for its application, which is supported by sufficient human, technical and financial resources.**

Coordination

12. The Committee welcomes the numerous efforts to enhance the implementation and coordination of action plans and strategies relating to children's rights. However, the Committee reiterates its concern regarding the lack of an effective mechanism to ensure systematic implementation of the Convention and the monitoring of progress achieved (para. 14). The Committee is particularly concerned about the insufficient clarity of the mandates and roles of the different ministries, departments and entities responsible for coordination at the national, provincial and district levels. It is also concerned that the limited resources allocated to ensuring coordination of children's rights lead to gaps in implementation.

[1] Unless otherwise indicated, paragraph numbers in parentheses refer to the Committee's previous concluding observations on Zimbabwe of 1996 (CRC/C/15/Add.55).

13. **Recalling its previous recommendation (para. 23), the Committee urges the State party to ensure the establishment of an appropriate body at a high interministerial level with a clear mandate and sufficient authority and resources to effectively coordinate all activities related to the implementation of the Convention across sectors and at every level. It encourages the State party to institutionalize collaboration with non-governmental organizations.**

Allocation of resources

14. The Committee notes with concern the significant reduction in the budget of children's rights programmes in recent years and the resulting impact on the implementation of the Convention.

15. **In the light of its day of general discussion in 2007 on "Resources for the rights of the child – responsibility of States", the Committee recommends that the State party:**

(a) **Substantially increase allocations in the areas of health, education and social services to adequate levels;**

(b) **Define budgetary lines for children in disadvantaged or vulnerable situations who may require affirmative social measures and ensure that those budgetary lines are protected even in situations of economic crisis, natural disasters and other emergencies;**

(c) **Establish a budgeting process that includes a child rights perspective and specifies clear allocations to children in the relevant sectors and agencies, including specific indicators and a tracking system;**

(d) **Establish mechanisms to monitor and evaluate the adequacy, efficacy and equitability of the distribution of resources allocated for the implementation of the Convention.**

Corruption

16. The Committee notes with serious concern that corruption remains pervasive in the State party and continues to divert resources that could enhance the implementation of the rights of children. While welcoming the establishment of the Zimbabwe Anti-Corruption Commission, the Committee notes that its ability to perform its mandate has been compromised due to insufficient resources, as recognized by the State party (see CRC/C/ZWE/Q/2/Add.1, para. 16).

17. **The Committee urges the State party to take immediate measures to combat corruption and strengthen institutional capacities through the allocation of human, technical and financial resources to effectively detect and investigate corruption and bring those responsible to justice.**

Data collection

18. While noting the adoption of the National Strategy for the Development of Statistics, the Committee reiterates its concern (para. 14) about the shortcomings in compiling, analysing and processing data relating to children's rights.

19. **In the light of its general comment No. 5 (2003) on general measures of implementation of the Convention and its previous recommendation (para. 24), the Committee recommends that the State party:**

(a) **Expeditiously improve its data collection system to cover all areas of the Convention and data should be disaggregated by age, sex, disability, geographic**

location, ethnic origin and socioeconomic background in order to facilitate analysis of the situation of all children, particularly those in situations of vulnerability;

(b) **Share the data and indicators among the ministries concerned and use it in the formulation, monitoring and evaluation of policies, programmes and projects for the effective implementation of the Convention;**

(c) **Take into account the conceptual and methodological framework set out in Office of the United Nations High Commissioner for Human Rights (OHCHR), *Human rights indicators: a guide to measurement and implementation* (2012) when defining, collecting and disseminating statistical information.**

Independent monitoring

20. The Committee notes the establishment of the Zimbabwe Human Rights Commission and its thematic group on children's rights. However, it remains concerned about the independence of the mechanism and its ability to regularly monitor and evaluate progress in the implementation of the Convention.

21. **In the light of its general comment No. 2 (2002) on the role of independent human rights institutions in the promotion and protection of the rights of the child, the Committee reiterates its previous recommendation (para. 25) and urges the State party to:**

(a) **Ensure that the Zimbabwe Human Rights Commission has the mandate and resources to monitor children's rights and is able to receive, investigate and address complaints by children in a child-sensitive manner;**

(b) **Ensure the independence of the Zimbabwe Human Rights Commission, including with regard to its funding, mandate, immunities and the appointment of its members, in full compliance with the Paris Principles;**

(c) **Seek technical assistance from OHCHR, the United Nations Children's Fund (UNICEF) and the United Nations Development Programme (UNDP).**

Dissemination, awareness-raising and training

22. The Committee welcomes the dissemination of the Convention among the general public, parliamentarians, government officials, community and religious leaders and through the school curriculum. However, it notes with concern the lack of knowledge about the Convention and its practical application among relevant professionals dealing with children's issues.

23. **The Committee reiterates that systematic information and awareness-raising campaigns should be launched to create a deeper understanding of the Convention and respect for and protection of children's rights (para. 26). The Committee recommends that the State party:**

(a) **Increase its efforts to widely disseminate the principles and provisions of the Convention and ensure that dissemination efforts reach, inter alia, parents, the public and, in particular, children themselves;**

(b) **Undertake systematic education and training on the provisions of the Convention for all professional groups working for and with children in both rural and urban areas, in particular law enforcement officials, teachers, health personnel, social workers, staff of child-care institutions, as well as religious and traditional leaders.**

B. Definition of the child (art. 1)

24. The Committee welcomes the Constitutional provision establishing the age of majority at 18 years, as well as the prohibition of pledging children in marriage and of forced marriage. It also welcomes the recent Constitutional Court ruling prohibiting marriage of persons below the age of 18 years.

25. **The Committee recommends that the State party urgently amend all legislation in statutory and customary law to establish the age of marriage at 18 years, in line with the Constitution and the ruling of the Constitutional Court, and widely disseminate the ruling.**

C. General principles (arts. 2, 3, 6 and 12)

Non-discrimination

26. While welcoming the inclusive non-discrimination provision in the Constitution, the Committee is concerned that national legislation remains inconsistent with the non-discrimination provisions of the Convention. It reiterates its concern (para. 12) about high levels of discrimination against certain groups of children, including children with disabilities, children in street situations, children living in rural areas, children born out of wedlock, orphans, children living in foster care, lesbian, gay, bisexual, transgender and intersex children and children affected or infected by HIV/AIDS. The Committee is seriously concerned about the situation of girls, in particular adolescent girls, who suffer marginalization and gender stereotyping, which compromise their educational opportunities, and who are more vulnerable to sexual violence, abuse and HIV/AIDS.

27. **The Committee reiterates its previous recommendation (para. 22) and urges the State party to harmonize its legislation with article 2 of the Convention, and to ensure the full implementation of all legal provisions. The Committee recommends that the State party carry out comprehensive public-education campaigns to prevent and combat all forms of discrimination, including gender stereotyping, in line with the recommendations of the Committee on the Elimination of Discrimination Against Women (see CEDAW/C/ZWE/CO/2-5, para. 22).**

Best interests of the child

28. The Committee welcomes the Constitutional provision on the paramountcy of the best interests of the child in every matter concerning the child. However, the Committee is concerned that the best interests of the child are not reflected in all relevant legislation nor applied in all areas and that its content is not well defined.

29. **In the light of its general comment No 14 (2013) on the right of the child to have his or her best interests taken as a primary consideration, the Committee recommends that the State party ensure that this right is appropriately integrated and consistently applied in all legislative, administrative and judicial proceedings and decisions, as well as in all policies, programmes and projects that are relevant to and have an impact on children. In this regard, the State party is encouraged to develop procedures and criteria to provide guidance to all relevant persons in authority for determining the best interests of the child in every area and for giving it due weight as a primary consideration.**

Right to life, survival and development

30. Despite the existence of several programmes and policies, including the National Action Plan for Orphans and Vulnerable Children, the Committee notes with serious concern the high rates of maternal, neonatal and child mortality, as well as of stunting and malnutrition among children under the age of 5 years, with much higher rates in rural areas. It is also gravely concerned about the significant number of deaths of children under 5 years of age owing to poor hygiene, inadequate sanitation and lack of clean drinking water.

31. **The Committee urges the State party to:**

(a) **Develop a national strategy to address the problems of poverty, social security, nutrition and health, including sexual and reproductive health, in order to ensure the full exercise by children of the right to life, survival and development;**

(b) **Take all measures necessary to improve access to safe drinking water and adequate sanitation facilities and ensure their sustainability, availability, sufficiency and affordability to all, in particular children;**

(c) **Allocate sufficient resources to ensuring the implementation of the 2013 Food and Nutrition Security Policy.**

Respect for the views of the child

32. While welcoming the Constitutional guarantee of the child's right to be heard, the Committee nonetheless reiterates its concern (para. 16) that, in practice, children are usually excluded from participating in decision-making owing to the perception that they lack capacity and for cultural reasons. The Committee commends the State party for the establishment of the Youth Parliament, Cabinet and Council to promote children's participation in issues that affect them, however, it notes that the inadequate resourcing of these mechanisms has impeded their effective functioning.

33. **The Committee recalls its previous recommendation (para. 30) and draws the State party's attention to its general comment no. 12 (2009) on the right of the child to be heard, and recommends that it take measures to strengthen this right in accordance with article 12 of the Convention. The Committee further recommends that the State party:**

(a) **Take measures to ensure the effective implementation of legislation recognizing the right of children to express their views in relevant legal proceedings, including by considering establishing systems and/or procedures for social workers and courts to monitor compliance with the principle;**

(b) **Conduct programmes, awareness-raising activities and training for all professionals in contact with children to promote meaningful and empowered participation by all children in the family, community and schools, including student council bodies, with particular attention to girls and children in vulnerable situations, and ensure regular assessment and evaluation of these programmes and activities;**

(c) **Ensure adequate budget allocation for the effective functioning of the Youth Parliament, Cabinet and Council to enable these structures to represent children's issues effectively with policy and lawmakers at the various levels of Government.**

D. Civil rights and freedoms (arts. 7, 8 and 13-17)

Birth registration

34. Noting with appreciation the measures taken by the State party to increase the rate of birth registration, including the removal of fees for the issuance of birth certificates to children, the Committee nonetheless remains concerned (para. 13) at the low number of births registered and the low number of birth certificates issued, especially in rural areas and to low-income households. It is further concerned that the failure to present a birth certificate may result in, inter alia, denial to enrol in school and sit for and receive national school examination certificates. It may also lead to the denial of inheritance from a child's legitimate father owing to failure to prove paternity, as required by the inheritance laws in the State party.

35. **The Committee recalls its previous recommendation (para. 27) and recommends that the State party:**

(a) **Ensure the Births and Deaths Registration Act (2005) is implemented in a manner that promotes the best interests of the child and simplifies the administrative requirements for the registration and issuance of birth certificates;**

(b) **Equip decentralized government authorities and health facilities at the local level to register births and issue birth certificates;**

(c) **Strengthen and expand mobile birth registration to reach universal coverage, in particular for registering children born outside of health facilities and children who have never been registered;**

(d) **Increase public awareness of the importance of birth registration and the process by which births are registered.**

Nationality

36. The Committee is concerned about reports that children born on the territory of the State party to parents of indeterminate nationality have been denied the right to have their birth registered and to acquire Zimbabwean nationality, which has impeded their access to health care, education and other social services. It further notes the absence of legislative provisions to guarantee that children born stateless in the State party acquire a nationality.

37. **In the light of its general comments No. 6 (2005) on the treatment of unaccompanied and separated children outside their country of origin and No. 7 on implementing child rights in early childhood, the Committee recommends that the State party:**

(a) **Take measures to ensure that all children born in the State party have the legal right to be registered at birth with a name, regardless of their parents' citizenship status and/or country of origin, and that they have equal access to health care, protection, education and other social services;**

(b) **Consider ratifying the 1961 Convention on the Reduction of Statelessness and amend its domestic legislation on nationality accordingly so as to ensure that every child enjoys the right to acquire a nationality;**

(c) **Seek technical assistance from the Office of the United Nations High Commissioner for Refugees and UNICEF for the implementation of these recommendations.**

Freedom of association and peaceful assembly

38. The Committee is concerned about restrictions to children's right to freedom of association and peaceful assembly and about reports that the Public Order and Security Act [Chapter 11:17] (2004) has been invoked by the authorities to deny children permission to hold marches in commemoration of International Children's Day and that children have been forced to participate in political activities.

39. **The Committee recommends that the State party ensure the full practical implementation of the Constitutional guarantees of freedom of expression, association and peaceful assembly and the exercise of these rights by children.**

Right to privacy

40. The Committee is concerned about the inadequate enforcement of laws protecting children's right to privacy, in particular the publication of information by the media relating to children who are either victims of abuse or accused of committing crimes, as well as the perpetuation of invasive practices such as virginity testing.

41. **The Committee recommends that the State party take the measures necessary to strengthen the implementation of existing legislation which protects the privacy of children. This includes cooperation with the media as well as conducting awareness-raising and educational programmes to eliminate practices that violate children's right to privacy.**

E. Violence against children (arts. 19, 24 (3), 28 (2), 34, 37 (a) and 39)

Corporal punishment

42. The Committee welcomes the Constitutional guarantee of freedom from torture or cruel, inhuman or degrading treatment or punishment. However it remains deeply concerned that corporal punishment remains legal and widely practised in the family, in schools and in other settings (para. 18). The Committee notes with serious concern the legislative provisions and government policy that allow the administration of "reasonable" or "moderate" corporal punishment.

43. **With reference to its general comment No. 8 (2006) on corporal punishment, the Committee reiterates its previous recommendation (para. 31) and urges the State party to:**

(a) **Repeal or amend, as necessary, all legislation and administrative regulations to explicitly prohibit corporal punishment as a correctional or disciplinary measure in all settings;**

(b) **Sensitize and educate parents, guardians and professionals working with and for children, particularly teachers, on the harmful effects of corporal punishment and the need to end the culture of silence on cases of violence against children;**

(c) **Promote positive, non-violent and participatory forms of child-rearing and discipline in all settings, including through providing teachers and parents with training on alternative disciplinary measures.**

Sexual exploitation and abuse

44. The Committee notes the legislative and policy measures taken by the State party to prevent and combat sexual exploitation and abuse of children, to ensure the prosecution of

perpetrators and to support victims. Nonetheless, the Committee expresses serious concern regarding:

(a) The prevalence of sexual exploitation and abuse against girls, orphans, children with disabilities, child migrants and children living in poverty;

(b) The underreporting of such violations against children owing to the stigma surrounding child survivors of gender-based violence or, as concerns child members of apostolic churches, the prohibition against seeking medical attention or reporting to the authorities;

(c) The lack of knowledge about support services for child victims of sexual exploitation and abuse;

(d) The inefficiencies and lack of resources in the justice system, which results in the extremely low conviction rate of perpetrators of sexual exploitation and abuse of children.

45. **The Committee urges the State party to take the measures necessary to ensure that all children who are vulnerable to or at risk of any form of sexual exploitation and abuse are provided with all necessary assistance and protection. In particular, the Committee recommends that the State party:**

(a) **Ensure that victims of sexual exploitation and abuse have access to child-protection centres throughout the country and that the centres are staffed with professionals trained in child protection and handling child victims of abuse;**

(b) **Establish accessible, confidential and child-friendly mechanisms, procedures and guidelines to ensure the effective and mandatory reporting of cases of sexual abuse and exploitation of children and, to that end, continue to work with community police and the gender and children's desks in a joint effort;**

(c) **Provide adequate resources to the Interministerial Task Force on Gender-based Violence and the Protocol on the Multisectoral Management of Sexual Abuse and Violence in Zimbabwe, as well as to the justice system, to ensure the documentation and prompt and effective investigation of sexual exploitation and sexual abuse of children and the prosecution of perpetrators;**

(d) **Conduct awareness-raising programmes, in particular for children, parents and caregivers, to combat the stigmatization of victims of sexual exploitation and sexual abuse, including incest, and promote knowledge of reporting channels for such violations;**

(e) **Ensure the development of programmes and policies for the prevention, recovery and social reintegration of child victims, in accordance with the outcome documents adopted at the World Congresses against the Commercial Sexual Exploitation of Children.**

Harmful practices

46. The Committee notes the provisions guaranteeing the primacy of the Constitution over inconsistent laws and practices, however, it is concerned that the State party has not taken sustained measures to modify or eliminate stereotypes and harmful practices. In particular, it is deeply concerned about:

(a) Harmful norms, practices and traditions that perpetuate discrimination against girls, including, in particular, forced and early marriage, polygamy, bride-price (*lobola*) and, in certain regions, virginity testing and witch hunting;

(b) Allegations of involvement of members of religious sects, such as apostolic churches, in harmful cultural practices, in particular early marriage, including of girls as young as 10 years with older men for "spiritual guidance".

47. **The Committee urges the State party to:**

(a) **Take all measures to enforce the application of the law prohibiting child and forced marriage and to prevent such marriages from occurring;**

(b) **Establish an effective monitoring system to assess progress towards the eradication of child marriage;**

(c) **Provide victims of child and forced marriage with compensation and rehabilitation, including medical, psychological and social services;**

(d) **Conduct an investigation into the allegations of the involvement of members of religious sects, such as apostolic churches, in harmful cultural practices, ensure that criminal charges are brought against all those found responsible within these churches, and against all those who facilitated early and forced marriages;**

(e) **With reference to joint general recommendation No. 31 of the Committee on the Elimination of Discrimination against Women/general comment No. 18 of the Committee on the Rights of the Child on harmful practices (2014), raise awareness among families and traditional and religious leaders aimed at preventing and combating harmful practices that impede the implementation of the Convention.**

F. Family environment and alternative care (arts. 5, 9-11, 18 (1-2), 20-21, 25 and 27 (4))

Family environment

48. The Committee is concerned about the high number of child- and grandparent-headed households in the State party and notes that one fifth of children below the age of 18 years do not have either parent alive. The Committee is further concerned about the existence of discriminatory legislation that regulates the guardianship of children based on a distinction between children born within and outside marriage and the sex of the child, and that children born outside marriage have limited contact with their father.

49. **The Committee recommends that the State party:**

(a) **Strengthen the financial support and community structures to grandparent- and child-headed households to assist them in meeting needs related to nutrition, shelter and access to essential services, with particular attention to meeting the needs of families in rural areas and farming communities;**

(b) **Ensure that mothers and fathers equally share the legal responsibility for their children, in accordance with article 18 (1) of the Convention;**

(c) **Take the necessary measures to align laws with the non-discriminatory provisions of the Constitution so as to give equal rights and responsibilities to parents for the guardianship and custody of their child, whether the child is born within or outside marriage, and remove any preference given to a parent prior to specific consideration of the best interests of the child;**

(d) **Ensure that children of unmarried parents can have contact with their fathers when it is in the best interests of the child.**

Children deprived of a family environment

50. Noting the rising number of children in residential care, including for economic reasons, and the low number of family-based placements of children, the Committee is concerned about the insufficient human and financial resourcing of existing residential care facilities. It notes the inadequacy of disaggregated data collected on children living in institutions, in foster care or in street situations.

51. **The Committee draws the State party's attention to the Guidelines for the Alternative Care of Children (General Assembly resolution 64/142, annex) and recommends that the State party:**

(a) **Support and facilitate family-based care for children wherever possible, including for children in single-parent families, and further develop the system of foster care for children who cannot stay with their families, with a view to reducing the institutionalization of children;**

(b) **Ensure adequate safeguards and clear criteria, based on the needs as well as best interests of the child, for determining whether a child should be placed in alternative care;**

(c) **Ensure the training of all professionals, including social workers, police, education and health officers in contact with children, on child protection laws;**

(d) **Ensure adherence to the National Residential Care Standards set for institutions and undertake periodic reviews of the placement of children in foster care and institutions to monitor the quality of care therein, including by providing accessible channels for reporting, monitoring and remedying maltreatment of children;**

(e) **Ensure that adequate human, technical and financial resources are allocated to alternative care centres and relevant child protection services in order to facilitate the rehabilitation and social reintegration of children residing in them to the greatest extent possible.**

Adoption

52. The Committee is concerned about the overly restrictive interpretation of the rules of adoption and the negative views of adoption within the society, which may have an impact on domestic and international adoption rates.

53. **The Committee recalls its previous recommendation (para. 29) and recommends that the State party:**

(a) **Ensure that children are not deprived of the chance to be adopted through an overly restrictive interpretation of the rules of adoption;**

(b) **Conduct awareness-raising of the process of adoption to counter the prevailing negative views;**

(c) **Consider ratifying the Hague Convention on Protection of Children and Cooperation in respect of Intercountry Adoption.**

Children in prison with their mothers

54. The Committee is seriously concerned about reports of a serious lack of nutrition and poor sanitary conditions for infants and children sharing prison cells with their mothers who are awaiting trial or serving sentences for committing various offences.

55. **The Committee recommends that the State party:**

(a) **Take effective and urgent measures to ensure that living conditions for children in prison with their mothers, including access to health and early childhood development services, are adequate for the child's physical, mental, moral and social development, in accordance with article 27 of the Convention;**

(b) **Seek alternative measures to institutional confinement for pregnant women and mothers with small children, wherever possible;**

(c) **Ensure that the principle of the best interests of the child is carefully and independently considered by competent child professionals prior to and during their stay with their detained mothers.**

G. Disability, basic health and welfare (arts. 6, 18 (3), 23-24, 26-27 (1-3) and 33)

Children with disabilities

56. The Committee commends the enactment of the Disabled Persons Act (2014) and is encouraged by the programmes embarked upon by the State party to prevent disability in children. However, the Committee is concerned that in the majority of cases, disability in children is due to preventable causes, such as diseases, inaccessibility to full immunization, lack of comprehensive care (antenatal and postnatal), malnutrition and cultural practices such as early and frequent pregnancies. It is further concerned that:

(a) Throughout the country, children with disabilities, especially those with intellectual or psychosocial impairments, are subjected to greater abuse, violence, stigma and exclusion, particularly in rural areas;

(b) Early diagnosis of the impairment and support are difficult to obtain, in particular for children from poor families;

(c) Access to inclusive education and well-trained teachers is limited;

(d) Infrastructure in public places is not suitable for children with disabilities.

57. **In the light of article 23 of the Convention and of its general comment No. 9 (2006) on the rights of children with disabilities, the Committee urges the State party to adopt a human rights-based approach to disability and specifically recommends that it:**

(a) **Adopt measures to eliminate the stigmatization and exclusion of children with disabilities and strengthen its enforcement mechanisms for ensuring compliance with its legislation that prohibit such discrimination;**

(b) **Adopt a policy of prevention with measures to eliminate the preventable causes of disability;**

(c) **Allocate sufficient resources to implement and strengthen the policies and programmes embarked upon by the State party to ensure that children with disabilities have access to health care, including early detection and intervention programmes;**

(d) **Set up comprehensive measures to develop inclusive education for children with disabilities and ensure that inclusive education is given priority over the placement of children in special schools and classes;**

(e) **Train and assign specialized teachers and professionals in inclusive classes that provide individual support and all due attention to children with learning difficulties;**

(f) **Expedite the establishment of infrastructure in public places that is necessary to accommodate children with various disabilities.**

Health and health services

58. While commending the State party for its strategy to reduce maternal and under-five mortality rates, the Committee is concerned about the insufficient allocation of financial resources to ensure the implementation of the State party's programmes to improve children's health. In particular, the Committee is concerned about:

(a) The persistent high maternal, child and infant mortality and morbidity rates;

(b) The limited access to health-care services for children living in poverty and in remote and rural areas and user fees imposed for HIV, maternal and child health services;

(c) The prevalence of chronic malnutrition leading to stunting;

(d) The limited access to safe drinking water and sanitation;

(e) The insufficiency of trained health professionals;

(f) Reports that apostolic churches are barring children from seeking medical attention and regular health services, including immunization, which has resulted in deaths and high maternal mortality among adolescents.

59. **The Committee draws the State party's attention to its general comment No. 15 (2013) on the right of the child to the enjoyment of the highest attainable standard of health, and recommends that it:**

(a) **Strengthen its programmes and increase the resources allocated for improving the health situation of children, particularly in rural areas, in line with the Ouagadougou Declaration on Primary Health Care and Health Systems in Africa (2008);**

(b) **Facilitate access to free maternal and child health services, reduce the incidence of maternal, child and infant mortality and prevent and combat malnutrition through the sufficient allocation of resources to critical nutrition interventions and access to safe drinking water and sanitation;**

(c) **Develop long-term strategies for retaining qualified health personnel and accelerate the training of health workers;**

(d) **Conduct investigations into allegations involving children being barred from seeking medical attention and regular health services, ensure that criminal charges are brought against those found responsible and that compensation and rehabilitation measures are provided to the child victims and their families;**

(e) **Implement the reports of OHCHR on technical guidance on the application of a human rights-based approach to the implementation of policies and programmes to reduce and eliminate preventable mortality and morbidity of children under 5 years of age (A/HRC/27/31) and to reduce preventable maternal morbidity and mortality (A/HRC/21/22);**

(f) **Seek financial and technical assistance from UNICEF and the World Health Organization (WHO).**

Adolescent health

60. While welcoming the efforts of the State party to improve adolescent health, the Committee is nonetheless extremely concerned about:

(a) The high rate of sexual violence experienced by adolescent girls;

(b) The high rate of early pregnancy and child marriage and its correlation with the school dropout rate of adolescent girls;

(c) The restrictive abortion law and the lengthy procedures for authorizing abortions, which result in illegal and unsafe abortions;

(d) The requirement, in law, of parental or guardian consent for unmarried adolescents to access reproductive health services, including receiving information on contraception and prevention of sexually transmitted infections.

61. **In the light of its general comment No. 4 (2003) on adolescent health and development in the context of the Convention, the Committee urges the State party to:**

(a) **Take immediate measures to combat sexual violence against adolescent girls, through documentation, prompt and effective investigation of all cases of sexual violence and prosecution of perpetrators and ensure the rehabilitation of victims;**

(b) **Ensure that sexual and reproductive health education is part of the mandatory school curriculum and that it targets adolescent girls and boys, with special attention to improving the knowledge of and the availability of reproductive health-care services with a view to reducing teenage pregnancies and preventing HIV/AIDS and other sexually-transmitted infections;**

(c) **Take urgent measures to reduce maternal deaths relating to teenage abortions and ensure children's access to safe abortion and post-abortion care services, in law and in practice;**

(d) **Ensure the alignment of legislation with the Constitution to prevent discrimination against adolescents on the basis of marital status, particularly with regard to their access to reproductive health services without the consent of a parent or a guardian.**

HIV/AIDS

62. While noting the development of strategies for dealing with the AIDS pandemic, the Committee is concerned about:

(a) The high rate of mother-to-child transmission and new HIV infections among girls and boys;

(b) The high number of children being orphaned by HIV and AIDS;

(c) The significant number of cases of death of children under five years of age owing to HIV-related causes;

(d) The high percentage of infants who are exposed to HIV but who are not being tested at an early stage for HIV or who are not receiving the necessary medication, particularly in rural areas, which reflects a significant gap in early infant diagnosis and treatment;

(e) The large majority of children under 15 years who are HIV positive and lack access to antiretroviral treatment.

63. **In the light of its general comment No. 3 (2003) on HIV/AIDS and the rights of the child, the Committee recommends that the State party:**

(a) **Sustain the measures in place to prevent mother-to-child transmission of HIV/AIDS, enforce the "no-user fee" policy nationwide for HIV and maternal and child health services, improve follow-up treatment for HIV/AIDS-infected mothers and their infants to ensure early diagnosis and early initiation of treatment, including in rural areas, inter alia, through implementation of the WHO guidelines on prevention of mother-to-child transmission of HIV, antiretroviral therapy and feeding infants and young children,[2] and create a centralized database for mothers and children undergoing antiretroviral therapy so that they can access services in all service delivery points in the State party;**

(b) **Improve access to quality, age-appropriate HIV/AIDS, sexual and reproductive health services;**

(c) **Seek technical assistance from the Joint United Nations Programme on HIV/AIDS and UNICEF.**

Standard of living

64. The Committee is deeply concerned at the persistent widespread poverty and inadequate basic services, including the lack of a comprehensive social security system, that prevent an increasing number of children in both urban and rural areas, including orphans and children affected or infected by HIV/AIDS, from enjoying their right to an adequate standard of living, in accordance with article 27 of the Convention.

65. **The Committee urges the State party to:**

(a) **Take all measures necessary to address child poverty and vulnerability through, inter alia, providing family support services and social protection to disadvantaged families, including targeted programmes for families that are particularly vulnerable to poverty, implemented at the community level;**

(b) **Pay particular attention to the rights and needs of children when implementing its poverty reduction strategy and all other programmes intended to improve the standard of living in the State party, in particular with regard to health, nutrition, education and housing;**

(c) **Seek technical assistance from, among others, UNDP and UNICEF.**

66. The Committee is concerned about the destitution faced by displaced children and their families as a result of the flooding at the Tokwe Murkosi dam and the forced resettlement operations, in particular, the reported severe malnutrition and disease, incidences of abuse and sexual violence committed against children and disruption of education.

67. **The Committee urges the State party to expedite redress to the families displaced owing to the flooding of the Tokwe Murkosi dam and the forced resettlement operations, including the provision of prompt and adequate compensation and the ability to return to their land, while ensuring their access to appropriate and quality educational, health-care and recreational facilities and restoration of lost birth certificates.**

[2] See WHO Guidelines on HIV and infant feeding: Principles and recommendations for infant feeding in the context of HIV and a summary of evidence (2010)

H. Education, leisure and cultural activities (arts. 28, 29, 30 and 31)

Education, including vocational training and guidance

68. The Committee welcomes programmes, such as the Basic Education Assistance Module, aimed at keeping vulnerable children in school. However, the Committee remains concerned (para. 19) about:

(a) Primary education not being free owing to imposed tuition fees and hidden costs, which leads to low completion rates in schools;

(b) The high dropout rate for girls, especially at the secondary and tertiary levels, owing to early marriage, teenage pregnancy, discriminatory traditional and cultural practices, poverty and lack of implementation of the policy on re-entry of adolescent mothers into school after delivery;

(c) The low quality of education as a result of inadequate budget allocations to support educational programmes and infrastructure, which has resulted in a shortage of trained teachers and quality teaching and learning materials and environment, particularly in rural areas;

(d) Difficulties faced by some children, in particular those living in poverty and those in remote and rural areas, in accessing education, owing to the long distances they have to walk to and from school;

(e) The high number of girls who suffer sexual abuse and harassment on the way to or from school, as well as in school, by both teachers and classmates;

(f) The inadequate number of public early childhood care and education institutions and qualified instructors;

(g) The reported use of some schools by militia groups as bases and for political purposes, as well as cases of harassment, expulsion and unlawful arrests and detention of teachers and students during and after the last parliamentary and presidential elections.

69. **In the light of its general comment No. 1 (2001) on the aims of education, the Committee recommends that the State party continue to strengthen programmes and policies to ensure the accessibility of quality education for all children in Zimbabwe. In particular, the Committee urges the State party to:**

(a) **Ensure that primary education is free and compulsory so as to provide unhindered and equal access to education for all children;**

(b) **Address barriers to girls' education, such as negative cultural attitudes, early marriage and excessive domestic duties, and take steps to retain girls in school, including by ensuring that pregnant teenagers and adolescent mothers are supported and assisted in continuing their education in mainstream schools through, inter alia, clarifying and publicizing the government policy of re-entry of girls into school after pregnancy;**

(c) **Ensure adequate budgetary allocation to improve the quality of education through increasing the number of qualified teachers, improving school infrastructure, including sports, recreational and arts facilities, and increasing children's access to school materials and textbooks with a view to eradicating rural-urban disparities in school enrolment and attendance;**

(d) **Provide a safe educational environment, free from discrimination and violence, as well as institute measures to protect girls from sexual harassment and violence on their way to and from school and in school, through the establishment of**

reporting and accountability mechanisms to ensure that perpetrators of sexual abuse and harassment are prosecuted and punished;

(e) **Regulate both public and private educational institutions through the setting of standards to ensure quality education and regularly monitor schools to assess the implementation of these standards;**

(f) **Develop and promote high-quality vocational training to enhance the skills of children and young people, especially those who drop out of school;**

(g) **Allocate sufficient financial and human resources for the development and expansion of early childhood care and education, based on a comprehensive and holistic policy of early childhood development, including the provision of well-trained instructors;**

(h) **Take appropriate measures to deter the military or political use of schools and establish mechanisms to monitor and investigate allegations of attacks on education facilities.**

I. Special protection measures (arts. 22, 30, 32-33, 35-36, 37 (b)-(d) and 38-40)

Children in situations of migration

70. The Committee is concerned that the prolonged socioeconomic crisis in the State party has led to the migration of children to neighbouring countries, either with parents or unaccompanied, in search of employment or relatives. It is particularly concerned about the exposure of children to a number of risks along the migration routes, including sexual and physical abuse and exploitation, malnutrition and attacks by wild animals.

71. **The Committee recommends that the State party implement comprehensive measures to address the root causes of economic migration. It further recommends that the State party take measures to mitigate the effects of migration on the welfare of affected children, including through the provision of support at the local level, the training of caregivers and improved social and psychological support to affected children deprived of a family environment. The State party is encouraged to enter into bilateral agreements with neighbouring States for adequate protection of migrant children in their countries of destination.**

Economic exploitation, including child labour

72. The Committee welcomes the Constitutional provision protecting children from exploitative labour practices and notes with appreciation the legislative amendment to raise the minimum age for employment to 16 years. However, the Committee is concerned about the persistence of child labour, including hazardous labour, in the State party due to weak enforcement of existing legislation and policies. The Committee is further concerned about reports of exploitation of children, particularly from low-income households, in the agriculture, forestry/hunting and fishing sectors, including low payment and long working hours.

73. **The Committee recalls its previous recommendation (para. 32) and urges the State party to:**

(a) **Ensure the effective harmonization of the Constitutional prohibition of exploitative and hazardous child labour in all legislation, policy and practice and establish a list of hazardous work in which children should not be involved;**

(b) **Ensure the implementation of the minimum age of employment, including through the use of appropriately trained labour inspectors and the application of high penalties, as provided for in legislation with regard to those who exploit children;**

(c) **Take measures to address the socioeconomic factors contributing to child labour and scale up the implementation of social welfare programmes to prevent children engaging in economic activities;**

(d) **Undertake awareness-raising programmes for all employers, government agencies and the general public, especially children, on child labour and the enforcement of legal provisions, particularly in rural areas;**

(e) **Provide appropriate rehabilitation programmes for children who have been identified as having engaged in child labour;**

(f) **Continue to work with the International Labour Office, International Programme on the Elimination of Child Labour.**

Sale, trafficking and abduction

74. The Committee welcomes the enactment of the Trafficking in Persons Act (2014) and the creation of the Interministerial Task Force on Human Trafficking. However, the Committee notes with concern persistent reports of trafficking of children in the State party in the context of the high rate of migration of unaccompanied children. The Committee expresses its concern at the insufficient programmes for the physical and psychological recovery and social and family reintegration of child victims of trafficking, and commercial sexual exploitation, including for prostitution and pornography.

75. **The Committee recalls the recommendations of the Committee on the Elimination of Discrimination against Women (CEDAW/C/ZWE/CO/2-5, para. 26) on combating trafficking and the exploitation of prostitution. As particularly regards the situation of children, it further recommends that the State party:**

(a) **Ensure the effective enforcement of relevant legislation, policies and programmes to combat trafficking in and commercial sexual exploitation of children, including through the allocation of sufficient human and financial resources and by establishing more rigorous border controls;**

(b) **Ensure that adequate measures are taken to hold perpetrators of child sale, trafficking and commercial exploitation accountable for their offences;**

(c) **Expand efforts to provide specialized training on combating trafficking in and commercial sexual exploitation of children to the judiciary, prosecutors, the police, in particular the gender and children's desks, law-enforcement officials, social workers and other relevant professionals, throughout the State party;**

(d) **Strengthen awareness-raising programmes, including campaigns, on trafficking and commercial sexual exploitation, particularly in rural areas, border areas and areas of poverty;**

(e) **Ensure the protection of and support services for children who have been victims of trafficking and commercial sexual exploitation, including the provision of shelters, a formal determination of the best interests of the child and their rehabilitation and social integration, in accordance with the outcome documents adopted at the World Congresses against Commercial Sexual Exploitation of Children;**

(f) Address the root causes of trafficking, child labour and sexual exploitation, for example by increasing efforts to improve and expand access to education for both girls and boys, particularly for children in vulnerable situations;

(g) Accede to the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime.

Administration of juvenile justice

76. The Committee commends the Constitutional guarantee that children are not to be detained except as a measure of last resort and welcomes the Constitutional and legislative provisions guaranteeing the right to legal aid and other strategies to improve children's access to justice. It also welcomes the statement by the State party's delegation during the dialogue that the Pretrial Diversion Programme will continue and be fully financed by the State party. The Committee, however, remains concerned (para. 21) about:

(a) The very low age of criminal responsibility, which is currently 7 years of age;

(b) The lack of a clear legal prohibition of life imprisonment without the possibility of release and the indeterminate sentencing of children;

(c) The recourse to whipping as a disciplinary measure for boys;

(d) The inadequacy of budgetary allocations to ensure the implementation of programmes to support juvenile justice and access to legal aid services by children in conflict with the law;

(e) The absence of national mechanisms to independently monitor places where children are deprived of their liberty and to receive complaints, in a child-sensitive manner, regarding ill-treatment and torture.

77. **In the light of its general comment No. 10 (2007) on children's rights in juvenile justice, the Committee urges the State party to bring its juvenile justice system fully into line with the Convention and other relevant standards. The Committee reiterates its previous recommendation (para. 33) and urges the State party to:**

(a) Raise the minimum age of criminal responsibility in accordance with international standards;

(b) Harmonize existing laws with the new Constitution and ensure that children are not sentenced to life imprisonment or to indeterminate sentences;

(c) Adopt a comprehensive policy for juvenile justice based on restorative practices and guided by the right of the child to have his or her best interests taken as a primary consideration;

(d) Increase the number of adequately trained professionals working in the juvenile justice system, designate specialized judges for children and ensure that they have the appropriate education and training, and strengthen specialized juvenile court facilities and procedures with adequate human, technical and financial resources;

(e) Ensure the provision of qualified and independent legal aid to children in conflict with the law at an early stage of the justice procedure and throughout the legal proceedings, by increasing the allocation of human and financial resources to the Legal Aid Directorate;

(f) Continue the Pretrial Diversion Programme and ensure that children have access to alternative disciplinary measures to deprivation of liberty, such as

probation, mediation, counselling or community service, and ensure that detention is used as a last resort;

(g) Establish child-sensitive complaint mechanisms regarding ill-treatment and torture of children in police custody and detention;

(h) Ensure the independent monitoring of places where children are deprived of their liberty;

(i) Make use of the technical assistance tools developed by the Interagency Panel on Juvenile Justice and its members, including the United Nations Office on Drugs and Crime, OHCHR, UNICEF and non-governmental organizations, and seek technical assistance in the area of juvenile justice from members of the Panel.

J. Ratification of the Optional Protocol on a communications procedure

78. The Committee recommends that the State party, in order to further strengthen the fulfilment of children's rights, ratify the Optional Protocol to the Convention on the Rights of the Child on a communications procedure.

K. Ratification of international human rights instruments

79. The Committee recommends that the State party, in order to further strengthen the fulfilment of children's rights, ratify the core human rights instruments to which it is not yet a party, namely the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the International Convention on the Rights of All Migrant Workers and Members of Their Families and the International Convention for the Protection of All Persons from Enforced Disappearance.

80. The Committee recommends that the State party fulfil its reporting obligations under the Optional Protocol on the involvement of children in armed conflict and the Optional Protocol on the sale of children, child prostitution and child pornography, the reports of which are both overdue as of June 2015 and March 2014, respectively.

L. Cooperation with regional bodies

81. The Committee recommends that the State party cooperate with the African Committee of Experts on the Rights and Welfare of Children of the African Union for the implementation of the Convention and other human rights instruments, both in the State party and in other African Union member States.

V. Implementation and reporting

A. Follow-up and dissemination

82. The Committee recommends that the State party take all appropriate measures to ensure that the recommendations contained in the present concluding observations are fully implemented. The Committee also recommends that the second periodic report, the written replies to the list of issues of the State party and the present concluding observations be made widely available in the languages of the country.

B. Next report

83. The Committee invites the State party to submit its combined third to seventh periodic reports by 10 April 2021 and to include therein information on the follow-up to the present concluding observations. The report should be in compliance with the Committee's harmonized treaty-specific reporting guidelines adopted on 31 January 2014 (CRC/C/58/Rev.3) and should not exceed 21,200 words (see General Assembly resolution 68/268, para. 16). In the event that a report exceeding the established word limit is submitted, the State party will be asked to shorten the report in accordance with the above-mentioned resolution. If the State party is not in a position to review and resubmit the report, translation thereof for the purposes of consideration by the treaty body cannot be guaranteed.

84. The Committee also invites the State party to submit an updated core document, not exceeding 42,400 words, prepared in accordance with the requirements for the common core document in the harmonized guidelines on reporting under the international human rights treaties, including guidelines on a common core document and treaty-specific documents (HRI/GEN/2/Rev.6, chap. I) and General Assembly resolution 68/268 (para. 16).